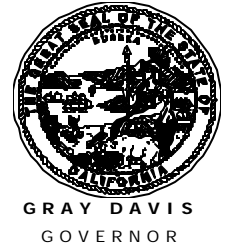




**STATE MINING & GEOLOGY BOARD**  
DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA



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## RESULTS

### THE STATE MINING AND GEOLOGY BOARD

Held a Regular Business Meeting on:

**May 9, 2002**

**9:30 A. M.**

**Department of Consumer Affairs  
400 R Street, First Floor Hearing Room  
Sacramento, CA**

### AGENDA

(NOTE: Times are approximate. The Chairman may alter the hearing start time or agenda item order during the meeting)

**9:30 A. M.**

**Call to Order (Jones)**

**Roll Call and Declaration of a Quorum**

**Consent**

**(Action)**

(Any Board Member wishing to discuss a particular item may request the Chairman to remove the item from Consent and place it under Continued or New Business for separate action)

1. Approval of Minutes, March 14, 2002, Regular Business Meeting.

**STAFF REPORT**

**APPROVED**

**Reports**

**(Information)**

Department of Conservation

Director's Report (Young)

State Mining and Geology Board

Chairman's Report (Jones)

Executive Officer's Report (Parrish)

Geohazards Committee (Ramirez)

Inter-board Committee (Tepel, Thompson)

Minerals & Geologic Resources (Griego)

Policy & Legislation (Jones)

Surface Mining Standards (Baca)

Board's Legal Counsel (Cunningham)

*Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress*

**New Business**

**(Action)**

2. Approval of a Negative Declaration and Findings for Garden Valley Aggregates, CA Mine ID # 91-09-0013, John Tynes, Operator, El Dorado County

**STAFF REPORT**

**APPROVED**

3. Approval of a Reclamation Plan and Financial Assurance, as Modified, for Garden Valley Aggregates, CA Mine ID # 91-09-0013, John Tynes, Operator; El Dorado County

**STAFF REPORT**

**APPROVED**

4. Adoption of Proposed Regulatory Language to California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1:

- A. Article 1, Section 3502 (amended): The Reclamation Plan - **AMENDED AND RECIRCULATED**
- B. Article 1, Section 3504.5 (added): Annual Mine Inspections - **APPROVED**
- C. Article 4, Sections 3626, 3627, 3628 (amended): Designation Appeal Procedures - **APPROVED**
- D. Article 5, Sections 3650, 3652, 3653, 3655, 3656 (amended): Reclamation Plan Appeal Procedures - **APPROVED**
- E. Article 11.5, Sections 3810 through 3817 (added): Forfeiture of Financial Assurance - **APPROVED**
- F. Article 12, Sections 3901, 3904, 3910 (amended): Administrative Penalty Petition Procedures - **APPROVED**
- G. Article 14, Sections 3940 through 3948 (added): Review of Order to Comply - **AMENDED & RECIRCULATED**

**STAFF REPORT**

**ACTION PENDING**

5. Review and Consideration of Adequacy of Corrective Measures Taken by Oat Hill Quarry, CA Mine ID # 91-28-0002, City of American Canyon; Pursuant to SMGB Review on February 14, 2002, of Results of Annual Mine Inspection. Failure to Adequately Correct May Result in the SMGB Issuing a Notice of Violation

**STAFF REPORT PENDING**

**ACTION DEFERRED TO JULY MEETING**

6. Review for Acceptance of Otay Ranch Pit Annual Mine Inspection, CA Mine ID # 09-37-0035, Hanson Aggregates, Operator, City of Chula Vista. Review May Result in the SMGB Issuing a Notice to Correct

**STAFF REPORT**

**ACTION DEFERRED TO JULY MEETING**

7. Review of Adequacy of Responses and Corrective Measures Taken by Garnet Pit, CA Mine ID # 91-33-0031, Granite Construction Company, Operator; City of Palm Springs; as a Result of the SMGB Notice to Correct Issued March 21, 2002. Failure to Adequately Correct May Result in the SMGB Issuing a Notice of Violation

**STAFF REPORT**

**ACTION DEFERRED TO JULY MEETING**

8. Issuance of Order to Comply to Eureka Slate Mine, CA Mine ID # 91-09-0007, Rand Ferriera, Operator; El Dorado County; for Failure to Submit a Draft Reclamation Plan, Financial Assurance Cost Estimate, and Annual Reports and Fees for the Years 1996 through 2000 as Described in the SMGB's Notice of Violation Issued March 27, 2002

**STAFF REPORT**

**ORDER ISSUED**

9. Consideration of Notice of Violation Issued on March 27, 2002, to Weber Creek Quarry, CA Mine ID # 91-09-0002, Freda Pechner, Agent; Loring Brunius, Owner/Operator; El Dorado County; for Mining Site Conditions Not in Compliance with the Approved Reclamation Plan, and for Not Possessing a Financial Assurance as Required by the Surface Mining and Reclamation Act

**STAFF REPORT**

**ACTION**

10. Consideration of Notice of Violation Issued on March 27, 2002, to Diamond Quarry, CA Mine ID # 91-09-0003, Freda Pechner, Agent; Loring Brunius, Owner/Operator; El Dorado County, for Mining Site Conditions Not in Compliance with the Approved Reclamation Plan, and for Not Maintaining an Adequate Financial Assurance as Required by the Surface Mining and Reclamation Act

**STAFF REPORT**

**ACTION**

11. Issuance of a Notice of Violation to the Timm Mine, CA Mine ID # 91-09-0006, Maybelle Timm Eley, Agent, El Dorado County; for

Failure to Provide a Revised Financial Assurance Cost Estimate  
as Required by California Code of Regulations Section 3804(c)

**STAFF REPORT**

**ITEM RESOLVED, NO ACTION TAKEN**

12. Review of the Status of the Amended Reclamation Plan Appeal  
Submitted by United Rock Products for Its Pit # 2 and Pit #3  
Operations, CA Mine ID # 91-19-14 and 91-19-15 respectively, in  
the City of Irwindale

**STAFF REPORT**

**NO ACTION TAKEN**

### **Good of the Meeting**

**(Information)**

(This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak on a particular item should do so at this time. Speakers are limited to three (3) minutes except by special consent of the Chairman)

### **Executive Session (Closed to the Public)**

(The Board will discuss information from its legal counsel on pending litigation and may take appropriate actions based on this information. This session is being held under Government Code § 11126 and PRC ' 2778.) Items to be discussed are:

- a) Raney vs. SMGB, Case # SCVSS 69392, San Bernardino Superior Court;
- b) Schneider vs. SMGB, Case # OOCSSO1498, Sacramento Superior Court;
- c) Calvert, et al vs. SMGB et al, Case # OOCSSO1434, Sacramento Superior Court;
- d) Loring Brunius vs. SMGB, Case # PC 20010449, El Dorado County Superior court
- e) An un-named case where there is potentially significant exposure to litigation against the Board.

### **Reopen Regular Business Session, Announce Results of Executive Session**

**APPROVED LEGAL ACTION ON CASE "d)"**

### **Announcements and Adjournment**

## **A LUNCH BREAK WILL BE TAKEN AT NOON**

**NOTE** ITEMS TO BE CONSIDERED FOR PLACEMENT ON A BOARD MEETING AGENDA MUST BE SUBMITTED NOT LATER THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED MEETING.

**NOTE** BOARD MEETINGS ARE OPEN TO THE PUBLIC AND ARE HELD IN BARRIER FREE FACILITIES IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT THE BOARD OFFICE.

**NOTE** INFORMATION REGARDING STATE MINING AND GEOLOGY BOARD MEETINGS MAY BE OBTAINED BY CALLING THE BOARD OFFICE AT (916) 322-1082. COPIES OF STAFF REPORTS AND APPROVED MINUTES MAY BE OBTAINED BY WRITING THE BOARD OFFICE AT 801 'K' STREET, MS 24-05, SACRAMENTO, CALIFORNIA 95814 OR BY ACCESSING THE BOARD'S WEB SITE:  
<http://www.consrv.ca.gov/smgb/calendar>

**NOTE** IF YOU WISH TO COMMENT ON AN AGENDA ITEM OR SPEAK DURING THE PUBLIC COMMENTS PERIOD, PLEASE FILL OUT A "REQUEST TO SPEAK" FORM, AVAILABLE AT THE MEETING ROOM ENTRANCE, AND GIVE IT TO THE BOARD SECRETARY. PLEASE DELIVER THE FORM PRIOR TO THE ITEM BEING HEARD BY THE BOARD. DURING THE PUBLIC COMMENT PERIOD, EACH SPEAKER IS LIMITED TO A MAXIMUM OF THREE MINUTES. AT THE DISCRETION OF THE CHAIRMAN, MORE TIME MAY BE GRANTED.

State Mining and Geology Board  
May 9, 2002 Meeting Agenda  
Page 5

**NOTE** INDIVIDUALS ARE ENCOURAGED TO SUBMIT WRITTEN STATEMENTS OF ANY LENGTH AND DETAIL TO THE BOARD. IT IS PREFERABLE THAT THESE STATEMENTS BE SUBMITTED AT LEAST FIFTEEN DAYS PRIOR TO THE MEETING SO THAT THE BOARD MEMBERS CAN PREVIEW THE INFORMATION BEFORE THE MEETING. **PLEASE SUBMIT 25 COPIES OF ALL WRITTEN MATERIALS IN EXCESS OF TWO PAGES.** THE BOARD WILL NOT REPRODUCE REPORTS IN EXCESS OF TWO PAGES OR LARGE MAPS, PHOTOS, OR OTHER DOCUMENTS REQUIRING SPECIAL HANDLING.

**NOTE:** A CLOSED SESSION MAY BE CALLED BY THE CHAIRMAN TO DISCUSS LITIGATION AND OTHER PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS BY AUTHORITY OF GOVERNMENT CODE §11126(q) AND SACRAMENTO NEWSPAPER GUILD vs. SACRAMENTO COUNTY BOARD OF SUPERVISORS [1968] 266(b) CAL. APP. 2nd, 41; BASIS OF "LITIGATION" EXCEPTION IS THE ATTORNEY/CLIENT PRIVILEGE. A CLOSED SESSION MAY ALSO BE CALLED PURSUANT TO PRC ' 2778, PROTECTION OF PROPRIETARY INFORMATION

**NOTE** AS A STATE AGENCY, THE BOARD IS GOVERNED BY THE BAGLEY-KEENE OPEN MEETING ACT THAT REQUIRES THE BOARD TO (1) PUBLISH AN AGENDA AT LEAST TEN DAYS IN ADVANCE OF ANY MEETING; (2) DESCRIBE IN THE AGENDA SPECIFIC ITEMS TO BE TRANSACTED OR DISCUSSED; AND, (3) REFUSE TO ADD AN ITEM AFTER THE AGENDA IS PUBLISHED.